

The opinion in support of the decision being entered  
today was not written for publication and  
is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DAVID BRUCE KUMHYR

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Appeal No. 2004-1868  
Application No. 09/731,628

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ON BRIEF

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MAILED

JAN 31 2005

U.S. PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Before HAIRSTON, FLEMING, and DIXON, Administrative Patent  
Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 1  
through 36. After submission of the brief, the examiner objected  
to claims 8 through 12, 20 through 24 and 32 through 36 as being  
dependent upon rejected base claims, but found that they would be  
allowable if rewritten in independent form including all of the

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limitations of the base claims and any intervening claims (answer, page 2). Accordingly, claims 1 through 7, 13 through 19 and 25 through 31 remain before us on appeal.

The disclosed invention relates to a method, system and computer program product for controlling information gathered by data collection agencies in an electronic transaction. A user connects to a web site that controls the gathered information via a web browser, and sends a persona facet (e.g., name, e-mail address, payment method or other personal data) of user selectable information that will be exposed during the electronic transaction. If the web site recognizes the persona facet, the user will receive information about the user that is stored in a database at the web site. If the information is incorrect or incomplete, the web site database can be updated with additional information.

Claim 1 is illustrative of the claimed invention, and it reads as follows:

1. A method for controlling information gathered by data collection agencies in an electronic transaction comprising the steps of:

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selecting a persona facet by a user, wherein said persona facet selected comprises a user selectable information selected by the user to be exposed in said electronic transaction;

connecting to a web site by a web browser;

sending said selected persona facet to said web site by said web browser during said electronic transaction;

receiving information about said user stored in a database from said web site if said web site recognizes said persona facet; and

updating said information about said user stored in said database.

The reference relied on by the examiner is:

Koeppel et al. (Koeppel)	6,477,575	Nov. 05, 2002
		(filed Sep. 12, 2000)

Claims 1 through 7, 13 through 19 and 25 through 31 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Koeppel.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

#### OPINION

We have carefully considered the entire record before us, and we will reverse the 35 U.S.C. § 102(e) rejection of claims 1 through 7, 13 through 19 and 25 through 31.

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Turning to the portions of Koeppel referenced by the examiner, we find that Koeppel discloses a system and method whereby the user/client, as opposed to the web site, captures and stores all of the client's web site activities in a client side data store (column 11, line 21 through column 12, line 60). All of the claims on appeal require the database at the web site to store all user web site activities. Thus, the anticipation rejection of claims 1 through 7, 13 through 19 and 25 through 31 is reversed because the user/client in Koeppel is incapable of selecting a persona facet, sending the persona facet to a web site during an electronic transaction, and receiving information from a database at the web site if the web site recognizes the persona facet.

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DECISION

The decision of the examiner rejecting claims 1 through 7, 13 through 19 and 25 through 31 under 35 U.S.C. § 102(e) is reversed.

REVERSED

  
KENNETH W. HAIRSTON  
Administrative Patent Judge )

  
MICHAEL R. FLEMING  
Administrative Patent Judge )

  
JOSEPH L. DIXON  
Administrative Patent Judge )

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